

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

NEILSON CRAIG CONOVER,)	
)	
Plaintiff,)	Case No. 06-420-KI
)	
vs.)	OPINION AND ORDER
)	
OREGON WORKERSOURCE)	
EMPLOYMENT DEPARTMENT,)	
)	
Defendant.)	

KING, Judge:

Plaintiff Neilson Conover filed a Complaint, titled Motion to Add Defendants and Demands, and an Application to Proceed without Prepayment of Fees and Affidavit (#1). An examination of the application reveals that he is unable to afford the costs of this action. Accordingly, Conover is granted in forma pauperis status. This action may go forward without

the payment of the filing fee. I am not going to order the United States Marshal's Service to serve process, however.

At any time, a court shall dismiss sua sponte a complaint filed in forma pauperis if the court determines that:

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal –
 - (I) is frivolous or malicious;
 - (ii) fails to state a claim on which relief may be granted; or
 - (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2); Neitzke v. Williams, 490 U.S. 319, 324, 109 S. Ct. 1827 (1989). The court must construe pro se pleadings liberally and afford the pro se litigant the benefit of any doubt. Morrison v. Hall, 261 F.3d 896, 899 n.2 (9th Cir. 2001).

A complaint is frivolous when it lacks an arguable basis either in law or in fact. Neitzke, 490 U.S. at 325. When applied to a complaint, the term “frivolous” “embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” Id. Judges under this statute have the “unusual power to pierce the veil of the complaint’s factual allegations and to dismiss those claims whose factual contentions are clearly baseless.” Id. at 327.

Conover alleges that the Oregon Worksource Employment Department (whose computer he used to type the Complaint) is conspiring to stalk him via his cell phone, e-mail and physical activity about his person. After notifying the CIA and FBI about his position, Conover used defendant’s computer to access his e-mail accounts and realized that the accounts had been hacked into, causing his information to be botched-up. He alleges that defendant and others

knew of his filings in various federal courts and took the law into their own hands to cover-up information supportive of one or all of his cases which involve national security. Conover seeks \$100 million.

Conover's Complaint falls within *Neitzke's* definition of frivolous. Section 1915 requires that this action be dismissed.

IT IS SO ORDERED.

Dated this 6th day of April, 2006.

/s/ Garr M. King
Garr M. King
United States District Judge